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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,106	08/24/2004	George J Nassel Jr		5105

43836 7590 11/28/2007
VALETNOIR INC - A NEW YORK CORPORATION
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NEW YORK, NY 10001

EXAMINER

BOND, CHRISTOPHER H

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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11/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/711,106

Applicant(s)

NASSEF, GEORGE J

Examiner

Christopher H. Bond

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-28,30-40 and 42-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-28,30-40 and 42-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The arguments and amendments have been received on June 25, 2007. Claims 1-24 have been cancelled. Claims 25-28, 30-40 and 42-48 are new. Currently, claims 25-28, 30-40 and 42-48 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. **Claim 25 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.** The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The applicant makes no reference to "the ability to hide or unhide certain personal attributes about their past-play..." etc. in the specification.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 31, 32, 38-40, and 44-48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

6. As to claims 38-40, "said notification" lacks antecedent basis.

7. As to claims 31, 32 and 44-48, based on the preamble of these claims, these claims appear to be apparatus claims. However, the latter part of the claim appears to

be structured as a method limitation and raises some confusion if this is an intended use statement or an actual method limitation required in the claim--it is unclear of the applicant's intent.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 31, 32, and 44-48 are rejected under 35 U.S.C. 101 because 35 U.S.C. 101 allows a single statutory class of invention in a single claim. Based on the preamble of these claims, they appear to be apparatus claims, yet the latter part of the claims appear to be structured as a method limitation. These claims appear to include both an article/machine along with a process positively claimed.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 25-28, 30-40, and 42-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker US PUB 2003/0003988 (hereinafter Walker) in view of Reitz, US PAT 5,649,182 (hereinafter Reitz).**

11. As to claims 25 and 45, Walker discloses (abstract), "The invention includes a system and method for planning and customizing a gaming vacation. Initially, a central

controller receives preference and configuration data from a user at a user terminal...The configuration data and the associated preparation code are transmitted from the central controller to a casino server. The central controller provides feedback regarding the user's request. The feedback may include, for example, marketing offers for the user...." Walker further discloses, " (paragraph [0031]), "... a central controller communicates with multiple user devices, multiple casino servers, and multiple marketer devices. The casino servers, in turn, are in communication with multiple casino devices, including gaming devices..., a user may log onto a Web site hosted by the central controller. On the Web site, the user may prepare for his vacation by inputting a preferred gaming device configuration, choosing a betting system, selecting a group of friends with which to share winnings, and by performing or using other aspects of the invention mentioned above. The central controller may then associate all the data defining the user's preparations with a preparation code or a user identifier, such as the user's name or a player tracking card number, and store the user's preparation data in, for example, a preparation database and the user identifier in a user database." He further discloses (paragraph [0087]) that, "... the central controller..., may comprise one or more computers..., that are connected to a remote server computer operative to maintain databases, where the data storage device..., is comprised of the combination of the remote server computer and the associated databases." Walker further discloses (paragraph [0059]) that, "The term "player tracking card" may refer to a device that may be capable of storing information about a consumer who is a casino player. Walker further discloses (paragraph [0106]), "The user database..., provides example data to

illustrate the meaning of the information stored in this database embodiment. A player identifier... may be used to identify and index the players listed in the player database..., examples of player information are provided: "Sam Brown" with credit card number "1111-1111-1111-1111" is a "male, age 23" who played on gaming device "M234" and has a lifetime theoretical win of "2,345.00"..." While Walker meets the applicant's limitation of a system comprising: a self-servicing system for players where the system contains a database with data about a player, player gaming history, allowing data to be accessed by users of the system, the ability to search for a plurality of casino offers, and the ability of the system to contact casino clients, Walker fails to explicitly disclose the ability to hide or unhide certain personal, user attributes.

12. Reitz presents an apparatus and method for organizing and filtering data, with the data records being stored in a database (abstract). Reitz discloses (column 1, lines 29-35) a system to, "...permit a user to input notes relating to a variety of identifiers at any time, and then permit the user to organize the data..." Reitz further discloses (column 14, line 66 - column 15, line 11), "FIG 7., a UTILITIES menu 190 is also provided as a pull down menu. The UTILITIES menu 190 includes a " Hide Selected Item" option 192 and an " Unhide Selected Item" option 194. These two features are used in connection with the "Open Only" field 102 of FIG. 4 (or alternatively "Show Hidden" field). In one embodiment, each Table in the database, as shown in FIG. 2, contains a status indicator indicating whether the entry has an "open" status or a "closed" status. In this case, fields 192 and 194 are used to change the status of the particular entry. In an alternative embodiment, none of the Tables in FIG. 2 include such

a status indicator field. Instead, the user may use fields 192 and 194 to either "hide" or "unhide" selected entries."

13. The advantage of having the hide/unhide options for items and data, Reitz writes (column 15, lines 11-13), "In this way, certain records may be hidden and other unhidden to provide another way of grouping records..."

14. This is evidence that one of ordinary skill in the art would have reason/motivation/suggestion to employ the use of a hide/unhide option for data on a database system for the purpose of grouping records.

15. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the database of the Walker system with the hide/unhide option for data on databases as described by Reitz for the purpose of grouping records.

16. As to claim 26, as discussed above, the user may log onto a web site, which implies that the system is accessible through the Internet, and would be obvious to one of ordinary skill in the art.

17. As to claims 27 and 28, as discussed above Walker (paragraphs [0031] and [0106]) discuss that multiple casino servers may be employed, and provide examples of player history including gaming machines used by the user, and lifetime win history. This would meet the applicant's limitation of having historic data of the gaming player being from other properties, and limitation of historic data being the gaming history of the casino client. Different properties sharing a central database is also referenced in Walker [0092].

18. As to claim 30, as discussed above in Walker, players may have a player tracking card and identifier, which includes numbers, in order to identify players. Walker discloses in paragraph [0105], that the database contains, "...a financial account identifier field...that stores a representation of a bank account number, a credit card number, or other financial account information needed to charge an account...a demographic field...that stores a representation of a description of demographic information about the user;...a machine identifier field...that stores a representation uniquely identifying a gaming device...upon which the user played;...a lifetime theoretical win field...that stores a representation of the user's lifetime theoretical win..." Walker further discloses (paragraph [0145]), " Other preparation data may include the circumstances under which a user would like to receive marketing offers. Possible circumstances include: the user has just won a payout in excess of a certain threshold; the user has accumulated winnings in excess of a certain threshold; the user has sustained losses in excess of a certain threshold; the user has just inserted a bill, such as a \$100 bill, into a gaming device; a particular time of day occurs, for example, the clock has struck noon and the user would like lunch offers from local restaurants; it is a particular date; particular weather conditions have transpired; and the user just pressed a button or otherwise indicated that he desires a marketing offer." This would meet the applicant's limitation of data being the actuals, wagering data, win/loss, property, player account number, credit line information, dates, and other gaming facts and preference data.

19. As to claim 31, Walker discloses (paragraph [0031]), " On the Web site, the user may prepare for his vacation by inputting a preferred gaming device configuration, choosing a betting system, selecting a group of friends with which to share winnings, and by performing or using other aspects of the invention mentioned above. The central controller may then associate all the data defining the user's preparations with a preparation code or a user identifier, such as the user's name or a player tracking card number, and store the user's preparation data in, for example, a preparation database and the user identifier in a user database." This illustrates multiple databases in use by the system--that is to say, a user database and a preparation database. More databases in use by the system are further exemplified in Walker (paragraphs [0101 - 0128]).

20. Regarding claims 32 and 44, Walker discloses (paragraph [0029]), " In some embodiments a user may remotely designate prizes or comps he desires. A user may remotely submit his intended travel plans, including how long he is to stay at a destination, how much he is to gamble, where he is to eat, and so on. The user may then receive marketing offers based on his intentions." Walker further discloses (paragraph [0039]), " The user has the opportunity to build anticipation prior to the vacation by planning numerous aspects before hand. He can test various gaming device configurations to find the one that's just right. He can get his friends involved by signing them up to win if he wins. He can arrange for tokens of good luck or sentimental value (e.g. pictures of pets) to be with him at the gaming device. The user can also extend the excitement of the vacation on the other end by reviewing a scrap book and

other mementos of his trip when it is documented by the casino. The user has the opportunity to optimize his playing conditions and other aspects of his vacation, without wasting precious time during the vacation. For example, a user can determine a good configuration for a gaming device in advance, and also determine where in Las Vegas to find a gaming device capable of that configuration." Walker further discloses (paragraph [0064]), " The term "preparation data" may refer to any data received from, or related to, a user that is descriptive of characteristics of the user's desires, aspirations, intentions, expectations, preferences, and/or plans related to his gambling experience or gambling vacation. In some embodiments, preparation data may include information (and/or documentation) useful in (and/or required to) fulfill the user's desires, aspirations, intentions, expectations, and/or plans. For example, preparation data may include work product, such as a completed survey form, that the user has produced in exchange for a coupon from a marketing research firm, wherein the coupon is for a free meal at the casino restaurant at which the user was planning to eat. In some embodiments, preparation data may also include configuration data." Since the preparation data is stored in the preparation database, as discussed above, it would meet the applicant's limitation of having a database system used to form a trip to a casino destination of entertainment venue near a casino. This would further meet the applicant's limitation of having a user searching for a plurality of casino options based on their play, likes and dislikes, plans, destinations, and key items.

21. As to claims 33, 34, and 43 Walker discloses (paragraph [0150]), " A marketer may transmit offers to a user in a number of ways. The marketer may leave offers with

the central controller...to be later transmitted to users with qualifying characteristics. The marketer may then compensate the central controller...for every offer made, for every offer accepted, etc. In some embodiments, the marketer may communicate with a user in real time via the central controller...The marketer may have real-time access data about users currently at gaming devices...or at user terminals...and may then make its own determinations as to when to make offers. In offering products to a user, the marketer may refer to a product database...The marketer may select from the database products that are priced appropriately for a user, that meet other user criteria, and/or that have excess inventory." This would meet the applicant's criteria where a gaming player is contacted based on criteria--i.e. a marketer transmits and offer (contacts user) based on selection criteria. This further meets the limitation where selection criteria is based on information contained in the database. As the marketer has real-time access to player data, and can make offers based on the data, this would further meet the applicant's limitation of users (marketers) searching based on qualifying criteria.

22. As to claims 35 and 36, Walker discloses (paragraph [0220]), " The user is encouraged to quit after some condition has been met. The condition might be that the user has lost a certain amount; the user has lost on a certain number of consecutive handle pulls; the user has won a certain amount; the user has played for a certain amount of time; etc. The gaming device may strictly enforce the user-defined rule by, for example, forcibly cashing out the user and ceasing to operate so long as the user's player tracking card is inserted. Alternatively, the user device may simply encourage the user to quit, reminding him that he had intended to quit at this point. The gaming device

might also suggest some alternative activities for the user. For example, the user might visit the casino's restaurant, bar, or show. An exemplary input of the user into the Web site of the central controller is, "Cash me out if I win \$100 or if I'm down \$100." This would meet the applicant's limitation of having the system compare data (user defined criteria, data relating to a player) against a rule set. This further meets the applicant's limitation of notifying when the rule set is broken, approving if all rules are applied correctly (i.e. operating when rule set is not broken), and suspending if one or more results conflict (i.e. disabling or suspending machine if rule set is broken).

23. As to claims 37, Walker discloses (paragraphs [0380-0381]), "... the user may pre-configure the gaming device...to print text in his native language... a language menu may have the choices of English, Spanish, Chinese, or Japanese... Menus may also have an "other" choice, allowing a user to select from less common choices (e.g. Swahili)..." This would meet the applicant's limitation of having players/users contact each other in their native languages.

24. As to claims 38-40, Walker discloses (paragraph [0176]), "Such information may include a name, home address, telephone number, email address, bank name, checking account number, amount of money in the checking account, citizenship, desired amount of credit, and so on." It would be matter of choice, well within the capabilities of one skilled in the art that one could notify a user either by telephone, postal mail, or electronic mail based on these given inputs. Furthermore, Walker discloses (paragraph [0046]), "The term "merchant" may refer to an entity who may offer to sell, lease, and/or license one or more products to a consumer (for the consumer or

on behalf of another) or to other merchants. For example, merchants may include sales channels, individuals, companies, manufacturers, distributors, direct sellers, re-sellers, and/or retailers. Merchants may transact out of buildings including stores, outlets, malls and warehouses, and/or they may transact via any number of additional methods including mail order catalogs, vending machines, online Web sites, and/or via telephone marketing." Thus, an offer may be made to the user of the system either by telephone or postal mail or email, which would also meet the applicant's limitation of notification by either mail, email or telephone.

25. As to claim 42, as discussed above and further exemplified in Walker paragraphs [0103-0106], the user database keeps track of a player's playing history which includes (Walker, paragraph [0105]), "...gaming device...upon which the user played...a representation of the user's lifetime theoretical win..." This would meet the applicant's limitation of having another database which is a Customer Management System. The Customer Management System, as defined by the applicant, is a database storing a player's historical information.

26. Regarding claims 46, Walker discloses (paragraph [0161-0162]), "A user may remotely input pictures or music. For example, the user may scan a picture of himself...and send it to the central controller." This would meet the applicant's limitation of having users uploading and adding to their profile in the database a current picture of themselves.

27. As to claim 47, Walker discloses (paragraph [0069]), " The term "gambling circle" may refer to a group of people, at least one of whom gambles, and whose members

receive benefits based on the results of the gambler... The user may sign up the friends to be part of the user's gambling circle. In some embodiments, the friends may then receive a percentage of any jackpot the user wins." As discussed above, Walker discloses that a player may be rewarded with 'comps' based on play criteria and other marketing offers. Walker also discussed gambling circles, whereby a player enters friends names, and the friends can receive part of a player's winnings. Since a player may receive offers and comps in lieu of a monetary prize, it would have been a matter of choice, well within the capabilities of one skilled in the art, to award marketing offers, including travel discounts to the group of friends a player has invited to join his gambling circle. This would meet the applicant's limitation of having users inviting other users to join groups (gambling circles) to attend a venue together based on their established play.

28. As to claim 48, Walker discloses (paragraph [0027]), "In some embodiments a user may be presented with and accept a marketing offer (and thus agree to fulfill any associated obligations) in exchange for casino resort discounts, coupons, complimentary ("comp") program points, free gambling credits, and/or insurance against gambling losses." This would meet the applicant's limitation of having venues contact casino clients with offers for their venues.

Citation of Pertinent Prior Art

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Stiles et al., USPAT 6,842,737 as it relates to a travel information system used for planning and customizing; Walker et al., USPAT 7,063,618 and

USPUB 2003/0027635 as they both relate to determining casino offers and comps; Paulsen, USPAT 6,628,939--as it relates to a personal gaming device which can serve as an interface between hotel reservation systems; and Atkinson, USPUB 2004/0214622 as it relates to an information collection system for a game network that a player can customize.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher H. Bond whose telephone number is (571) 272-9760. The examiner can normally be reached on M-F 9:30am - 6pm (Eastern Standard Time).

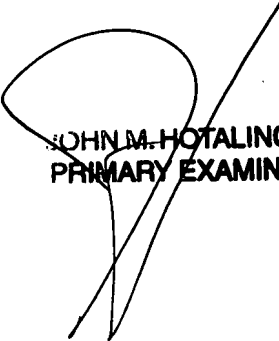
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number:
10/711,106
Art Unit: 3714

Page 15

Chris Bond



JOHN M. HOTALING, II
PRIMARY EXAMINER